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CORRESPONDENCE RELATING TO THE INSPECTION OF DOCUMENTS PRINTED OR RELIED ON IN THE MEXICAN CASE AND COUNTERCASE.

CORRESPONDENCE RELATING TO THE INSPECTION OF DOCUMENTS IN THE ARCHIVES OF THE MEXICAN EMBASSY AT WASHINGTON.

Mr. Dennis to Señor Pereyra.

APRIL 15, 1911.

SIR:

In accordance with an agreement between the Agent of Mexico in the Chamizal Arbitration, Senor Don Joaquin D. Casasus, and myself as Agent of the United States in the same arbitration, through an exchange of letters dated respectively March 18, 1911 and April 5, 1911, an arrangement has been effected for the reciprocal inspection of documents or records printed or relied upon in the respective cases and countercases. This arrangement, in accordance with the suggestion of Senor Casasus goes into effect today, April 15th.

In accordance with Article 1 and 3 of this arrangement, a copy of which was transmitted to the Embassy in the note of the Department of State of March 24, 1911, the Agent of the United States, within ten days after the agreement goes into effect may furnish to the Mexican Embassy in Washington, a list of the documents or records printed or relied upon in the Mexican Case, the originals of which it is desired to inspect, and within five days the Agent of the United States is to be permitted to inspect any documents or records so listed, printed or relied upon in the Mexican Case, the originals of which may be in the archives of the Mexican Embassy in Washington.

In accordance with the terms of this agreement I have the honor to enclose herewith a list of documents and records printed or relied upon in the Mexican Case the originals of which it is desired to inspect, with the request that I may be permitted to inspect the originals of such of these documents or records as may be in the archives of the Mexican Embassy at Washington, at

some convenient time within the five day period provided in Article 3 of the agreement.

With the assurances of my highest consideration, I have the Honor to be, Sir,

Your most obedient servant,

WILLIAM CULLEN DENNIS,
Agent of the United States of America in the Chamizal Arbitration.

Senor Don CARLOS PEREYRA,
Charge d'Affaires of Mexico.

Enclosure: List of documents or records of which inspection is desired.

[Inclosure.]

List of documents and records printed or relied upon in the Mexican case, of which an inspection is desired.

1. Communication of the Mexican Legation in Washington to the Department of State of the United States, of the 17th of November, 1874, referred to and relied upon in the Mexican Case, page 12. The Spanish text of the Mexican case gives the date of this communication as the 17th of December, 1874.

2. Report of the Mexican Consul in El Paso, Texas, to the Mexican Legation in Washington, referred to and relied upon in the Mexican Case, page 23.

3. Note of the Mexican Minister, Señor Romero of the 13th of April, 1885, to the Mexican Foreign Office, referred to and relied upon and quoted from on page 23 of the Mexican Case.

4. All of the documents constituting Annex 7 of the Mexican Case, "Judicial Testimonial Inquiries Instituted by Pedro Y. Garcia Before the District Court in C. Juarez in 1894."

5. Señor Romero to the Mexican Minister of Foreign Affairs, January 9, 1867, printed in Annex 9, of the Mexican Case, page VI.

6. Señor Romero to the Mexican Minister of Foreign Affairs, February 6, 1867, printed in the Mexican Case, Annex 9, page VII.

7. All the documents contained in Annex 10 of the Mexican Case, entitled "Note from D. Jose Lafragua, accompanying Communications from the Mexican Consul in Franklin, and from the Departments of Finance and of Public Encouragement (Fomento).

8. All documents contained in Annex 12 of the Mexican Case entitled "Text of the Minutes of the International Boundary Commission," etc.

Mr. Dennis to Señor Zamacona.

APRIL 24, 1911.

SIR:

Referring to the agreement between the Agent of Mexico in the Chamizal Arbitration, Señor Don Joaquin D. Casasus, and myself as Agent of the United States in the same arbitration, effected through an exchange of letters dated respectively March 18, 1911 and April 5, 1911, which are printed in the appendix to the countercase of the United States, pages four to seven, and particularly to Article 11 of this agreement, I have the honor to enclose herewith a list of documents and records, printed or relied on in the Mexican countercase, the originals of which it is desired to inspect, with the request that I may be permitted to inspect the originals of such of these documents and records as may be in the archives of the Mexican Embassy at Washington, at some convenient time within the five day period provided in Article 3 of the agreement.

With the assurances of my highest consideration, I have the honor to be, Sir,

Your most obedient servant,

WILLIAM CULLEN DENNIS,
Agent of the United States in the Chamizal Arbitration.

His Excellency Señor Don MANUEL DE ZAMACONA,
Ambassador of Mexico.

[Inclosure.]

List of documents printed or relied on in the Mexican countercase, inspection of which is requested.

1. Two investigations instituted September 4, 1894, before the Fiscal Attorney of Paso del Norte, enclosure to Señor Mariscal's note of October 29, 1894, relied on on page 7 of the Mexican countercase.

2. Note number 48 of April 20, of Mexican Foreign Office to Señor Mariscal, referred to and relied on in Señor Mariscal's note of December 2, 1875, countercase page 24 and appendix page 22.

3. Note of the Mexican Department of Foreign Affairs of May 23, 1884, to Señor Romero, quoted and relied on countercase page 32.

4. Documents in annexes to Mexican Countercase, 1, 2, 3, and 5.

Mr. Dennis to Señor Pereyra.

APRIL 25, 1911.

MY DEAR MR. PEREYRA:

Referring to our conversations over the telephone and in accordance with our understanding, I have had clean copies made of the various documents of which I have requested certified copies under the arrangement with Señor Casasus.

In further pursuance of our understanding I am sending you herewith these clean copies, together with the original copy taken by our copyist from the archives of the Embassy, which you were good enough to correct, thinking that perhaps this latter copy may be of assistance in ascertaining whether the corrections have been properly made on the new copy.

Copies of the following documents are enclosed:

1. The Mexican Minister in Washington to the Mexican Minister of Foreign Affairs, December 17, 1874.

2. The Mexican Minister in Washington to the Secretary of Foreign Affairs of Mexico April 13, 1885, and three enclosures as follows:

The Mexican Consul at El Paso, Texas, to the Mexican Minister at Washington, March 31, 1885.

The Mexican Consul at El Paso, Texas, to the Secretary of Foreign Affairs of Mexico, March 31, 1885.

Clipping from the Daily Times of El Paso, Texas, March 31, 1885.

Thanking you again for all your kindness in this matter, I am,

Very sincerely,

WILLIAM CULLEN DENNIS,
Agent of the United States in the Chamizal Arbitration.

Señor Don CARLOS PEREYRA,
Secretary, Embassy of Mexico.

Enclosures: Original copies and clean copies of documents as stated above.

Señor Pereyra to Mr. Dennis.

EMBAJADA DE MÉXICO, EN LOS
ESTADOS UNIDOS DE AMÉRICA,
Washington, April 26, 1911.

MY DEAR MR. DENNIS:

In answer to your favor of yesterday, I have the pleasure to send you herewith, six certified copies of the following documents:

1. The Mexican Minister in Washington to the Mexican Minister of Foreign Affairs, December 17, 1874.

2. The Mexican Minister in Washington to the Secretary of Foreign Affairs of Mexico, April 13, 1885, and three enclosures as follows:

The Mexican Consul at El Paso, Texas, to the Mexican Minister at Washington, March 31, 1885.

The Mexican Consul at El Paso, Texas, to the Secretary of Foreign Affairs of Mexico, March 31, 1885.

Clipping from the Daily Times of El Paso, Texas, March 31, 1885.

3. The Secretary of Foreign Affairs of Mexico to the Mexican Minister at Washington, April 30, 1875.

Yours very sincerely,

CARLOS PEREYRA.

Mr. W. C. DENNIS,
Agent of the United States
in the Chamizal Arbitration.

[Inclosure 1.]

Núm. 148.

Entrevista con Mr. Fish. Límites en el Río Bravo.

WASHINGTON, *Dbre 17 de 1874.*

Hoy, Juéves, fuí á ver al Secretario de Estado, y le hablé de las instrucciones que había recibido en la nota de V. Núm° 161 del 12 de Set^e último., para iniciar una negociación con el fin de fijar los límites de ambas naciones según el espíritu del tratado de la Mesilla, en la parte en que las ha dividido el Río Bravo, supuestas las violentas alteraciones que este tiene en su curso. Expliqué á Mr. Fish lo que pasaba frente á Paso del Norte y se me comunica en los anexos de la citada nota, así como el medio que propone ese Ministerio para obviar las dificultades. Me contestó que vería nuestros tratados con los Estados Unidos y se encargaría del negocio, cuando yo le pasara la respectiva nota que ya le anunciaba. Así lo haré dentro de algunos días, habiendo sido mi objeto en esta conversación únicamente explorar la disposición en que estaría Mr. Fish sobre el asunto, la cual no me pareció desfavorable.

Reitero, etc.

C. MINISTRO DE RELS. EXTS.
México.

[SEAL]

Es copia.

CARLOS PEREYRA, *Primer Secretario.*

[Translation.][a]

No. 148.

Interview with Mr. Fish. Boundaries in the Rio Grande.

WASHINGTON, *Dec. 17, 1874.*

Today, Thursday, I went to see the Secretary of State and spoke to him of the instructions which I had received in your note No. 161 of September 12 last, to begin a negotiation for the purpose of fixing the boundaries of both nations according to the spirit of the treaty of La Mesilla, at the part where they have been divided by the Rio Grande, in view of the violent alterations which the latter has in its course. I explained to Mr. Fish what was taking place opposite Paso del Norte and was communicated to me in the annexes to the aforementioned note, as well as the means proposed by that Ministry to obviate the difficulties. He answered me that he would see our treaties with the United States and look up the matter when I should send to him the note on the subject which I had announced to him. I will do this within a few days, it having been my object in this conversation to merely examine the disposition of Mr. Fish on the matter, which did not seem unfavorable to me.

I reiterate, etc.

The MINISTER OF FOREIGN AFFAIRS,

Mexico.

(SEAL)

Copy.

CARLOS PEREYRA,

First Secretary

[Inclosure 2.]

142.

N. 352.

El tratado de Límites en El Paso, Texas.

WASHINGTON, *Abril 13 de 1885.*

El Consul de la República en El Paso, Texas, me dirigió con fecha 1° del actual, el siguiente telegrama:

"Ayuntamiento de esta ciudad consulta al Secretario de Estado sobre interpretacion del nuevo tratado, pretendiendo que la corriente del rio frente á Paso del Norte sea el límite. Si así fuera, no pudiendo en adelante desviarse corriente, sería pérdida

[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

segura de tan importante poblacion. Aquí el rio ha abandonado su lecho enteramente unos años, otros se ha movido paulatinamente: movimiento de aluvion parece que no debiera quedar indefinido. Escribo correo."

Como al final del preinserto telegrama expresó el Cónsul que en la misma fecha me escribía sobre el asunto, esperé, para dar á Ud. conocimiento de él, recibir la comunicacion respectiva. Por el día 4 ó 5 me llegó una carta particular, fechada en El Paso el 31 de Marzo próximo pasado, en que se limitó á enviarme copia de otra carta particular que escribió á Ud., sobre este asunto, en la misma fecha.

No habiendo recibido comunicacion alguna oficial referente á este negocio, juzgo que no me ha remitido nuestro Cónsul en El Paso, mas que la carta expresada en la que, como dije ya, se limitó á enviarme copia de la que dirigió á Ud.

No acompaño el articulo del Daily Times del Paso de 31 de Marzo citado, á que se refiere nuestro Consul en su carta, porque supongo que otro ejemplar de él existe en esa Secretaría.

Como el periódico de El Paso expresa la interpretacion que dan al tratado de 12 de Noviembre de 1884 los habitantes de aquel lugar interesados en que se entienda de una manera determinada que satisfaga á sus intereses; como ese tratado no ha sido ratificado por el Gobierno de México, ni está por lo mismo en vigor; como en él no se deciden casos anteriores á su fecha, porque no puede tener efecto retroactivo, sino los que ocurran con posterioridad, si llegare á ser ratificado por ambos Gobiernos y cangeadas sus ratificaciones, y como, por último, su inteligencia parece clara, no creo que deba hacerse nada por esta Legacion con motivo de lo manifestado por nuestro Cónsul en El Paso.

La exposicion que los vecinos de El Paso han dirigido al Departamento de Estado, está, en mi concepto, en el mismo caso que artículo de periódico citado del Daily Times de El Paso.

Reitero á Ud., las seguridades de mi muy distinguida consideracion.

M. Romero.

Al Secretario de Relaciones Exteriores,
Mexico.

[Seal]

Es copia.

Carlos Pereyra,
Primer Secretario.

[Translation.][a]

142.

The Boundary Treaty at El Paso, Texas.

No. 352. WASHINGTON, *April 13, 1885.*

The Mexican Consul at El Paso, Texas, addressed to me under date of the first instant, the following telegram:

"City Consul of this City consults the Secretary of State on interpretation of the new treaty, claiming that the current of the river opposite Paso del Norte is the boundary. If this were so, as the current can not deviate henceforth, it would be certain loss of this important town. Here the river has completely abandoned its bed some years, and has moved gradually in others; it seems that alluvion movement should not remain indefinite. I will write by mail."

As the Consul stated to me in his telegram inserted above, that he was writing to me on the subject on the same date, I waited until I received his communication in order to make it known to you. On the fourth or fifth I received a private letter, dated at El Paso on March 31 last, in which he confined himself to sending me a copy of another private letter which he had written to you on the same subject on the same date.

Not having received any official communication in relation to this matter, I suppose that our Consul at El Paso did not send me any other letter than the one mentioned, in which, as I said before, he merely sent me a copy of the one he had written to you.

I do not enclose the article of the Daily Times of El Paso of March 31 last, to which our Consul refers in his letter, for I suppose that there is another copy of it in your Department.

Inasmuch as the newspaper of El Paso sets forth the interpretation given to the treaty of November 12, 1884, by the inhabitants of that place interested in having an understanding reached in a definite manner which will be satisfactory to their interests; inasmuch as this treaty has not been ratified by the Mexican Government and is therefore not in force; inasmuch as cases prior to its date are not decided in it because it can not have a retroactive effect, but only cases which arise subsequently, if it should be ratified by both Governments and if the ratifications were exchanged; and inasmuch as, finally, its interpretation appears clear, I do not believe that anything need be done by this legation in connection with what was stated by our Consul at El Paso.

[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

The statement which the citizens of El Paso have addressed to the Department of State is, in my opinion, to be regarded in the same light as the aforementioned article of the Daily Times of El Paso.

I reiterate to you the assurances of my very distinguished consideration.

M. ROMERO.

The SECRETARY OF FOREIGN AFFAIRS,
Mexico.

(SEAL)

Copy.
CARLOS PEREYRA,
First Secretary.

[Inclosure 3.]

CONSULADO DE MÉXICO.
El Paso, Texas, Mzo. 31 de 1885.

Sr. Lic. D. MATIAS ROMERO
Ministro Mexicano
Washington, D. C.

MI MUY ESTIMADO AMIGO:

No tengo á la vista su ultima apreciable para poder replicar en lo necesario—á los diversos puntos de su contenido; y en medio del quehacer que me rodea me limitaré para adjuntarle copia de una carta que hoy he dirijido al Sr. Mariscal con relacion á los efectos que está produciendo la publicacion del tratado arreglando el límite fluvial entre México y los E. Unidos—Creo que surgiran cuestiones que van á ser motivos de serios trastornos, por aquí, al menos. Si ha de considerarse como de aluvion todo el terreno que el río ha puesto de este lado y el río donde corre es el límite segun la interpretacion americana del tratado, y si no se ha de permitir al lado mexicano protejerse por medio de esos bordos diagonales que creo es lo que se llaman jetties el río es preciso que avanze del lado derecho y tarde ó temprano esto es la de saparicion de Paso del Norte. El tratado sería la muerte de esta importante poblacion. Ya seguiré enformando á Ud. de todo lo que pase que considere de importancia en este asunto.

El Gefe Politico de Paso del Norte me ha dirijido ya una comunicacion con respecto á las cañerias que han de descargar las inmundicias de los hoteles al rio—Estoy pendiente de contestacion del Mayor de esta Ciudad.

Parece que he podido contestar satisfactoriamente los puntos de que se me hacia cargo—Le mando á U. una copia de lo que

dije con respecto á no residencia en este lugar, punto que he sostenido con exito, pues se me permite vivir en Paso del Norte. Hasta á mi genio apelaran no encontrando otra cosa queriendo hacerme pasar por un barbaro.

Soy de U. am. afmo.

[SEAL] J. ESCOBAR Y ARMENDÁRIZ.

Es copia

CARLOS PEREYRA,

Primer Secretario.

[Translation.][a]

MEXICAN CONSULATE,

El Paso, Texas, March 31, 1885.

Mr. MATIAS ROMERO,

Mexican Minister, Washington, D. C.

MY VERY ESTEEMED FRIEND:

I have not your last letter before me in order to reply as far as necessary to the various points of its contents; and in the midst of the work which surrounds me I will confine myself to enclosing to you a copy of a letter which I addressed today to Mr. Mariscal in reference to the effects which are being produced by the publication of the treaty regulating the fluvial boundary between Mexico and the United States. I believe that questions will arise which will be the cause of serious disturbances, around here, at least. If all the land which the river has placed on this side is to be considered as alluvion, and if the river where it runs is the boundary according to the American interpretation of the treaty, and if the Mexican side is not to be allowed to be protected by means of those diagonal edges which I believe are called jetties, the river will have to advance on the right side and sooner or later this would result in separation of Paso del Norte. The treaty would be the death of this important town. I will continue to inform you of everything that happens which I consider of importance in this matter.

The Political Chief of Paso del Norte has already sent me a communication with respect to the pipes which are to discharge the sewage of the hotels into the river. I am awaiting a (pendiente de) reply from the Mayor of this City.

It appears that I have been able to answer satisfactorily the points which were laid before me. I send you a copy of what I said with respect to nonresidence in this place, which point I have maintained successfully since I am permitted to live at Paso del

[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

Norte. They will even appeal to my genius, not finding anything else, being desirous of making me pass for a barbarian.

I am your affectionate friend,

(SEAL) J. ESCOBAR.

Copy.

CARLOS PEREYRA,
First Secretary.

[Inclosure 4.]

CONSULADO DE MÉXICO.
El Paso, Texas, Marzo 31 de 1885.

Sr. Lic Dⁿ Ygnacio Mariscal—Secretario de Relaciones Exteriores—Mexico—Muy Estimado Señor y amigo:

La publicacion del tratado que arregla nuestro límite fluvial, ha causado aqui, como era natural, mucha sensación. Los antiguos propietarios mexicanos de los terrenos que el Rio ha puesto de este lado estan de huelga, sacando sus títulos del polvo en que han yacido por tantos años, interpretando al tratado favorablemente, esto es, como que les restituye sus antiguas propiedades. Los actuales poseedores, algunos de los cuales han construido sobre tales terrenos edificios valiosos, tiemblan al considerar cual sea la verdadera significacion del tratado y parece que se dividen las opiniones. Sin embargo, hoy aparece ya un artículo en que se trata de asegurar á los actuales poseedores, pretendiendo que aqui el cambio del Rio se ha verificado solo por causas naturales y de una manera paulatina, y que por consiguiente, el Rio donde ahora está es el límite porque con la corriente ha caminado el lecho normal del Rio. Me temo que resulte de esta divergencia de opiniones cuestiones serias, por que es muy dificil definir claramente lo que el rio debe avanzar para que sea considerado *aluvion*, pues cada interesado sostendrá que el caso es de aluvios ó avulsion segun le convenga. En el terreno en cuestion me parece que podria sostenerse con verdad que ha habido ambas cosas. Me consta que ha habido años que el rio ha avandonado del todo su lecho aunque haya avanzado poco. Si se aclarase que cesa de ser *aluvion* el movimiento del rio, cuando haya abandonado su lecho, y que este será el terreno que haya bañado en su última creciente, esto vendria á disminuir considerablemente las cuestiones que van á surgir—Ya se sabrá que saliéndose de madre, esto es fuera de su lecho, quedando seco este, seria caso de avulsion, aunque tal cambio no se verificase impetuosamente. En el primer caso, aunque el rio se saliese un poco, desviándose de lo hondo del canal,

con tal que no se saliera del todo, aquel se consideraría su curso normal, y la linea divisoria marcharia con la corriente; en el segundo, una vez salido el rio de su lecho y seco éste, la linea no marcharia con la corriente, sino que permaneceria en el lecho abandonado. Solo aclarándose estos puntos me parece que han de evitarse cuestiones, que, por lo menos han de agriar mucho las buenas relaciones existentes entrambas fronteras. Yo procararé tener á Ud. al tanto de lo que pase y seré más preciso en mis comunicaciones oficiales sobre el asunto. Por ahora acompaño á U. una tira del periódico que contiene el artículo á que me he referido.

Es copia

[SEAL] CARLOS PEREYRA,
Primer Secretario.

[Translation.][a]

MEXICAN CONSULATE.
El Paso, Texas, March 31, 1885.

Mr. IGNACIO MARISCAL,
Secretary of Foreign Affairs,
Mexico.

DEAR SIR AND FRIEND:

The publication of the treaty which regulates our fluvial boundary has caused much sensation here, as was natural. The old Mexican proprietors of the lands which the river has placed on this side are taking time to hunt out their titles from the dust in which they have lain for so many years, and are interpreting the treaty favorably, that is, as restoring to them their former property. The present possessors, some of whom have built valuable edifices on these lands, tremble when they consider the real significance of the treaty, and it appears that opinions are divided. Nevertheless an article has already appeared today in which an attempt is made to reassure the present possessors, declaring that the change in the river at this place took place solely through natural causes and in a gradual manner, and that consequently the river, where now situated, is the boundary because the normal bed of the river has followed the current. I fear that serious questions will arise from this difference of opinions, for it is very difficult to define clearly how much the river must advance in order that it may be considered *alluvion* for each interested party will maintain that it is a case of alluvion or

[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

avulsion, as may suit him. In the land in question it seems to me that it might be truly maintained that there have been both things. I know that there have been years in which the river completely abandoned its bed although it advanced little. If it were specified that the movement of the river ceases to be alluvion when it has abandoned its bed, and that the latter will be the land which it bathed during its last rise, this would considerably diminish the questions which will arise. It will be known that if it leaves its channel, that is, goes outside of its bed and leaves the latter dry, this will be a case of avulsion, even if the change does not take place impetuously. In the first case, even if the river should leave a little and depart from the deep part of the channel, provided it did not leave completely, said deep part of the channe would be considered as its normal course, and the boundary line would follow the current; in the second case, once the river left its bed and the latter became dry, the line would not follow the current but remain in the abandoned bed. It seems to me that it is only by clearing up these points that it will be possible to avoid questions which will at least greatly embitter the good relations existing between both frontiers. I will try to keep you informed of what transpires and will be more precise in my official communications on the subject. For the present I enclose to you a copy of the newspaper which contains the article to which I have referred.

(SEAL)

Copy.

CARLOS PEREYRA,

First Secretary.

[Inclosure 5.]

(Seal) Seccion de América. No. 48. Sobre Tratado de límites.

MINISTERIO DE RELACIONES EXTERIORES,

México, Abril 30 de 1875.

Recibido en esta Secretaría con la nota de Ud. nº 35 de 26 de Marzo último, el proyecto sobre límites entre los rios Gila y Bravo, que presentó Ud. á la Secretaría de Estado, he dado cuenta de todo al Presidente, quien me recomienda diga yo á Ud. en contestacion, como tengo la honra de hacerlo: que si bien por las razones que Ud. expresa, ha habido conveniencia de presentar el proyecto en los términos generales en que está concebido, á reserva de discutirlo y darle otra forma cuando se trate de su definitiva redacción, será de la mayor importancia incluir en uno de

sus artículos ó en otro separado, segun sea mas fácil, una cláusula ó párrafo en que clara y terminantemente se expresen estas dos ideas.

1ª Que si por cambios violentos del curso de las corrientes, se desprenden terrenos de una de las dos orillas, los que por esa causa queden en uno ú otro territorio separados por la nueva corriente, se considerarán como pertenecientes respectivamente á la Nacion á que correspondían, ántes de ser separados por el cauce del rio.

2ª Que en caso de haber dos ó mas corrientes, siguiendo la misma direccion á la desembocadura, y alguna de esas corrientes se hiciese mas profunda dejando de serlo la que servía de línea divisoria, seguirá la regla de considerar perteneciente á la Nacion respectiva los bancos ó terrenos que le correspondían antes de que por el cambio violento de las corrientes se hiciesen mas profundos los cauces actuales.

Reitero á Ud. las seguridades de mi muy distinguida consideracion.

LAFRAGUA.

Cº MINISTRO PLENIPOTENCIARIO DE MÉXICO
EN WASHINGTON, D. C.

[SEAL]

Es copia

CARLOS PEREYRA
Primer Secretario

[Translation.[a]]

(Seal) American Section. No. 48. Relating to boundary treaty.

MINISTRY OF FOREIGN AFFAIRS,
Mexico, April 30, 1875.

Having received in this Department, with your note No. 35 of March 26th last, the draft of a treaty on boundaries between the Gila and Rio Bravo rivers which you presented to the Department of State, I have related the whole matter to the President, who instructs me to state to you in reply, as I now have the honor to do, that although for the reasons that you mention it was suitable to present the draft in the general terms in which it is drawn up, subject to discussion and to being put in another form when finally drafted, it will be of the greatest importance to include in one of its articles or in another separate article, according to which

[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

is the easier, a clause or a paragraph in which the following two ideas are clearly and positively stated:

1. That, if, owing to violent changes in the direction of the current, lands are detached from one of the two shores, the lands which for this reason are separated by the new current and remain on one or the other territory, shall be considered to belong respectively to the nation to which they belonged before being separated by the channel of the river.

2. That in case there are two or more currents, following the same direction to the mouth, and one of these currents should become deeper while the one which served as a boundary line ceases to be the deeper, the rule followed shall be to consider as belonging to the respective nation the bars or lands which belonged to it before the present channels became deeper owing to the violent change of the currents.

I reiterate to you the assurances of my very distinguished consideration.

LAFRAGUA.

The MINISTER PLENIPOTENTIARY OF MEXICO AT
WASHINGTON, D. C.

(SEAL)

Copy.

CARLOS PEREYRA,
First Secretary.

Mr. Dennis to Señor Pereyra.

APRIL 27, 1911.

MY DEAR MR. PEREYRA:

I have your letter of April 26th, in which you enclose certified copies of various documents requested by me under the terms of the agreement between the two Agents in the Chamizal Case.

With the renewed expressions of my thanks for the courtesies which have been shown me by the Embassy in this matter and by you personally, I am,

Very sincerely,

WILLIAM CULLEN DENNIS,
Agent of the United States in the Chamizal Arbitration.

Señor Don CARLOS PEREYRA,
Secretary, Embassy of Mexico,
Washington, D. C.

CORRESPONDENCE RELATING TO THE INSPECTION OF DOCUMENTS IN THE ARCHIVES OF THE MEXICAN FOREIGN OFFICE.

Correspondence Relating to the Inspection of Documents Printed or Relied on in the Mexican Case.

Mr. Wilson to Mr. Knox.

File 156.
Serial 480.

Embassy of the United States of America,
Mexico, April 19, 1911.

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to the Department's Instruction of the 18th, ultimo, unnumbered, relative to the Chamizal case, and to advise the Department that the inspection of the documents printed or relied upon in the Mexican Case, which was agreed upon by the United States and Mexican Agents, was carried out by Mr. Weitzel of the Department, who is on temporary detail here, and Mr. Dearing, the Secretary of the Embassy, in conjunction with Mr. Carreño of the Mexican Agency. The inspection of the documents forming Annex 12 of the Mexican case, directed by the department's telegram of April 12th, 5 P. M., has not yet been made, but will doubtless be initiated and completed tomorrow.

I enclose to the Department herewith certified copies of the documents comprised in the first paragraph of the list submitted by the United States Agent to the Mexican Agent, and in the second and third paragraphs also. The document mentioned in paragraph three includes as an integral part of itself the document mentioned in paragraph two and, accordingly, copy of the former only is sent. Certified copies of the extensive documents comprising Annex 10 of the Mexican case will be forwarded in the next pouch, which will be despatched on Saturday, the 22nd instant.

Inspection of the documents listed under paragraph four revealed the fact that the papers made use of by the Mexican Agent, although the only ones in the archives of the Foreign Office and duly certified, are not originals but copies, in some cases second copies of the originals which are said to be on file at Ciudad Juarez. I enclose a copy of such notes as give authority to these documents; i. e., copy of the indications on the back of the Foreign Office dossier, receipt of Javier Osorno and an explanatory note.

The documents indicated in paragraphs five and six are at the Mexican Embassy at Washington and may be consulted there.

I have the honor to be, Sir,

Your obedient servant,

HENRY LANE WILSON.

Enclosures: As stated above.

[Inclosure 1.]

EMBASSY OF THE UNITED STATES OF AMERICA,

Mexico, April 19, 1911.

I, Fred Morris Dearing, First Secretary of the Embassy of the United States of America, at Mexico, hereby certify that the annexed documents are true copies, entitled to full faith and credit of a dispatch from M. Romero, Ambassador to Mexico at Washington, to the Mexican Minister of Foreign Affairs, numbered 352 and dated April 13, 1885, and of a dispatch from Ignacio Mariscal to the Mexican Minister of Foreign Affairs, dated December 17, 1874, and numbered 148, both forming part of the Mexican case in the Chamizal arbitration.

In testimony whereof I hereunto affix my signature and the seal of this Embassy this 19th day of April, 1911.

[SEAL.] FRED MORRIS DEARING,

Secretary of Embassy.

[Inclosure 2.]

Secretaría de Relaciones Exteriores

Limites

Número 2.

Año de 1894.

Estados Unidos.

Caso de "El Chamizal"

Reclamaciones de Pedro Y García por unos terrenos situados en El Paso, Texas que dice son de su propiedad y que se llaman: "

El Chamizal.

Recibí de la mesa especial de límites de la Secretaría de Relaciones Exteriores, en 15 fojas útiles, el expediente original relativo á la reclamación del C. Pedro Y García sobre propiedad de terrenos situados en el Paso, Texas.

Mexico, Mayo 29 de 1894.

F. JAVIER OSORNO

Nota.—Todos estos documentos son copias del expediente original que se llevó el Sr. Osorno, Comisionado Mexicano en la Comisión internacional de Límites con los E. U., según el recibo que obra en este expediente.

México, Mayo 30 de 1894.

[Translation.][a]

Department of Foreign Affairs
Boundaries
No. 2
1894
United States
El Chamizal Case

Claims of Pedro Y Garcia to some lands situated at El Paso, Texas, which he says belong to him and which are called:

"El Chamizal"

I received from the special boundary bureau of the Department of Foreign Affairs the original documents consisting of fifteen folios, relating to the claim of the citizen Pedro Y Garcia with respect to the ownership of lands situated at El Paso, Texas.

Mexico, May 29, 1894.

F. Javier Osorno.

Note.—All these documents are copies of the original file taken away by Mr. Osorno, Mexican Commissioner on the International Commission of Boundaries with the United States, according to the receipt appearing in this file.

Mexico, May 30, 1894.

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[a] This translation was supplied by the official translator of the Department of State.—Agent's note.

Correspondence Relating to the Inspection of Documents Printed or Relied on in the Mexican Countercase.

Mr. Wilson to Mr. Knox.

Embassy of the United States of America.

(seal) *Mexico, April 26, 1911.*

File 156
Serial 496

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to acknowledge the receipt of the Department's telegraphic instructions of April 24th, 4 P. M., relative to the inspection of certain documents comprised in the Mexican Counter Case in the Chamizal Arbitration, and to securing certified copies thereof, and to enclose to the Department herewith a certified copy of the note which I to-day addressed to the Mexican Foreign Office in compliance with the instructions under acknowledgement.

The Department's remaining instructions in this connection will be carefully carried out.

I have the honor to be, Sir,
Your obedient servant,

Henry Lane Wilson

[Inclosure 1.]

American Embassy,
Mexico, D. F., Mexico, April 26, 1911.

I, Fred Morris Dearing, Secretary of the Embassy of the United States of America, hereby certify that the attached document is a true and exact copy of note No. 334 dated April 26th 1911, addressed to His Excellency Don Francisco L. de la Barra, Minister for Foreign Affairs of Mexico, by His Excellency Henry Lane Wilson, American Ambassador to Mexico, with regard to the inspection of certain documents comprised in the Mexican Counter Case in the Chamizal Arbitration and to obtaining certified copies of the same.

In witness whereof I hereunto affix the Seal of this Embassy and my signature this 26th day of April 1911.

(seal) Fred Morris Dearing
Secretary of Embassy.

[Inclosure 2.]

Copy of Embassy's note to Foreign Office of April 26, 1911, requesting certified copies of certain documents in the Chamizal Case.

MEXICO, *April 26, 1911.*

File 156
Serial 334

His Excellency FRANCISCO L. DE LA BARRA,
Minister for Foreign Affairs.

MR. MINISTER:

I have the honor to refer to the Arbitration of the Chamizal Case, which is now in progress, and to advise Your Excellency that I am in receipt of instructions from my Government directing me to request the inspection of the following documents relied upon in the Counter Case of Mexico, and to request copies thereof certified under the Seal of the Mexican Foreign Office:

Proceedings before the District Court of Paso del Norte, consisting of three Expedientes, 22, 12 and 104, enclosed with Mr. Mariscal's note of October 29, 1894, and appearing on page 7 of the Mexican case. Annex 7 of the Mexican case, doubtless forming a part of these proceedings. I am enjoined to request, nevertheless, certified copies of the entire proceedings and all of their endorsements.

In addition to the above my Government desires inspection and certified copy of note No. 48 of April 30 of the Mexican Foreign Office to Mr. Mariscal, referred to and relied on in Mr. Mariscal's note of December 2nd 1875—Counter Case, page 24 and Appendix, page 22.

Note of Department of Foreign Affairs of May 23, 1884 to Mr. Romero, quoted and relied on in Counter Case, page 32.

The documents in Annexes to the Counter Case Nos. 1, 2, 3 and 5.

In case the documents above referred to are accompanied by enclosures, I have the honor to request copies of such enclosures, duly certified under the Seal of the Mexican Foreign Office.

As the time limit governing the Arbitration Proceedings is to expire in the not distant future, I trust that Your Excellency will be good enough to furnish the Embassy with a reply to this note and the certified copies requested, as soon as conveniently possible.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high regard.

HENRY LANE WILSON.

SEÑOR VALLARTA TO MR. FOSTER.[a]

No. 14. MINISTERIO DE RELACIONES,
México, Agosto 25 de 1877.

A S. E. JOHN W. FOSTER,
etc., etc., etc.

MI ESTIMADO SEÑOR FOSTER:

Tengo el gusto de adjuntar á usted las copias de los documentos de que le hablé en la mañana de hoy.

Me es grato repetir á usted la alta consideración con que soy

Su afmo. servidor,

I. L. VALLARTA.

[Inclosure.]

No. 15.

Proyecto de Convención entre México y los Estados Unidos.

Por cuanto, en virtud del Artículo 5° del Tratado de Guadalupe Hidalgo, algunas porciones de la línea divisoria entre los dos paises están marcadas respectivamente por el Rio Gila y el Rio Grande; con el fin de evitar las dificultades que puedan ocurrir por los cambios á que los mencionados ríos—como otros muchos—están sujetos en cualquiera tiempo, sucediendo ésto especialmente con el Rio Grande; las altas partes contratantes han convenido en lo siguiente:

I.

La línea divisoria será siempre la que previene dicho tratado, á pesar de cualquiera alteración en las riberas y aun en el curso de los rios á que se alude, con tal de que la alteración se efectúe gradualmente y por obra natural del aluvión.

II.

Cualquiera otra alteración en el curso ó las riberas de esos ríos no producirá cambio alguno en la línea divisoria astronómicamente fijada por las Comisiones de límites de ambos Gobiernos en 1852 y que va por enmedio de la corriente de los ríos según el curso que tenían al tiempo del reconocimiento.

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[a] Forwarded to Department of State with Ambassador Wilson's dispatch of April 7, 1911.—Agent's note.

III.

A pesar de cualquiera de las alteraciones á que se alude en el artículo anterior, el derecho de la navegación común á los dos países, según lo determina el artículo 7° del tratado citado anteriormente seguirá siendo el mismo en las porciones del rio que aparecieren comprendidas dentro del territorio de una de las dos naciones.

Es traducción.

(firmado) JOSÉ F. DE CUELLAR,
Encargado de la Secretaría.

[Translation.]

MINISTRY OF RELATIONS,
Mexico, August 25, 1877.

No. 14.

To His Excellency JOHN W. FOSTER,
etc., etc., etc.

MY DEAR MR. FOSTER: I take pleasure in enclosing to you the copies of the documents of which I spoke to you this morning.

I have the honor to reassure you of my high regards.

Your obedient servant,

I. L. VALLARTA.

[Inclosure.]

PROJECT FOR A CONVENTION BETWEEN MEXICO AND THE UNITED STATES.

Whereas, by virtue of article V of the Treaty of Guadalupe Hidalgo, some portions of the dividing line between the two countries are respectively marked by the Gila and Grande Rivers; to the end of avoiding the difficulties which may arise by the changes to which the aforesaid rivers—as many others—are liable at any time, this occurring especially with the Rio Grande, the high contracting parties have agreed as follows:

I.

The dividing line shall forever be that as provided under the said Treaty, notwithstanding any alteration on the margins and even in the course of the rivers referred to, provided that the alteration be effected gradually and by the natural action of alluvium.

II.

Any other alteration in the course or on the margins of those rivers, shall not cause any change whatever in the dividing line astronomically determined by the Boundary Commission of both Governments in 1852 and which runs along the center of the current of the rivers according to the course they had at the time of the survey.

III.

Notwithstanding any of the alterations referred to in the preceding article, the right of navigation common to the two countries as provided under article VII of the aforementioned Treaty shall continue to be the same in the portions of the river that may appear embraced within the territory of one of the two nations.

The above is a translation.

(Signed) JOSÉ F. CUELLAR,
Acting Secretary.

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